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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF WASHINGTON

In the Matter of the Application  
regarding the Conversion and  
Acquisition of Control of Premera Blue  
Cross and its Affiliates.

No. G 02-45

PREMERA'S AMENDED FIRST SET  
OF REQUESTS FOR PRODUCTION  
OF DOCUMENTS TO THE HOSPITAL  
ASSOCIATIONS

TO: The Hospital Associations, an Intervenor Group herein

AND TO: Its lead attorneys, Michael Madden and Bennett Bigelow &  
Leedom, P.S.

PREMERA and Premera Blue Cross ("Premera") hereby propound the following  
Requests for Production of Documents to the Hospital Associations, an Intervenor Group  
herein.

The requested documents should be produced for inspection and copying within 30  
days after the date of service at the offices of Preston Gates & Ellis LLP, 925 Fourth  
Avenue, Suite 2900, Seattle, Washington 98104, or at such other location as may be  
determined by agreement with counsel. You should respond to each discovery request in  
accordance with the instructions and definitions set forth below. The requests for  
production of documents are continuing in nature within the meaning of CR 26.

**INSTRUCTIONS**

A. If any document is withheld from production on the ground that its  
production is privileged due to the attorney-client privilege, work-product rule, or other  
legally recognized privilege preventing its disclosure to a requesting party, please state  
separately for each such document: (1) the applicable privilege pursuant to which You

PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS - 1

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE: (206) 623-7580  
FACSIMILE: (206) 623-7022

1 claim protection; (2) the date of the document; (3) the nature of the document (e.g., letter);  
2 (4) the full name, job title, and employer for each author of the document; (5) the full  
3 name, job title, and employer of each addressee and named recipient of the document; (6)  
4 the full name, job title, and employer of each person who, to Your knowledge, has seen  
5 the document; and (7) in general, the substance of the document.

6 B. In responding to these requests for production, You should provide all  
7 documents that are available to You, including all documents that may be in the  
8 possession of any person for whom You have authority to act in this proceeding, as well  
9 as of Your agents, attorneys, or other persons who are acting under Your direction or on  
10 Your behalf or are otherwise subject to Your control.

11 C. In responding to these requests for production, You should make a diligent  
12 search of Your records and of other papers and materials in Your possession or available  
13 to You. Likewise, You should make a diligent search of the records, papers, and materials  
14 in the possession of any person on behalf of whom You claim to have authority to act in  
15 this proceeding.

#### 16 DEFINITIONS

17 Unless the context clearly indicates otherwise, the following terms and phrases  
18 will be defined and used herein as follows:

19 1. The terms "You" and "Your" mean and include the Hospital Associations,  
20 an Intervenor Group herein, the component organizations thereof (the Washington State  
21 Hospital Association ("WSHA") and the Association of Washington Public Hospital  
22 Districts ("AWPHD")), the member organizations of those component organizations and  
23 their respective staffs, employees, consultants, attorneys, experts, agents, investigators,  
24 officers and directors.

25  
PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS - 2

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1           2.       The terms "the Conversion Application" and the term "the Conversion  
2 Hearing" refer to the matter pending before the Washington State Office of the Insurance  
3 Commissioner, denominated "In the Matter of the Application for Conversion of Premera  
4 Blue Cross," Docket No. G02-45, and the hearing thereon. The term "Conversion  
5 Forums" refer to the public hearings that the Insurance Commissioner has planned for  
6 December 2003.

7           3.       The term "Intervenor" means any of the petitioning intervenors identified  
8 in the February 10, 2003 "Fourth Order: Ruling on Motions to Intervene" of the Insurance  
9 Commissioner and the term "Intervenor Groups" means the Intervenor Groups identified  
10 in said Order.

11          4.       The terms "person" and "persons" mean and include all individuals and all  
12 entities of any description, including but not limited to all associations, companies, sole  
13 proprietorships, partnerships, joint ventures, corporations, trusts and estates, subsidiaries,  
14 and parents, as well as all individuals employed or retained by any of the foregoing.

15          5.       The terms "document" and "documents" mean and include any kind of  
16 written, typewritten, or printed material whatsoever, any kind of graphic material, and any  
17 computer readable media including, but not limited to, e-mails, papers, agreements,  
18 contracts, notes, applications, memoranda, correspondence, studies, working papers,  
19 letters, telegrams, invoices, personal diaries, reports, records, books, forms, indexes,  
20 transcriptions and recordings, magnetic tapes, video tapes, wire recordings, disks and  
21 printed cards, data sheets, data processing cards, personal calendars, interoffice  
22 memoranda, minutes and records of any sorts of meetings, financial statements, financial  
23 calculations, estimates, reports of telephone or other oral conversations, appointment  
24 books, maps, drawings, charts, graphs, photographs, and all other writings and recordings  
25 of every kind, however produced or reproduced, whether signed or unsigned. The terms

PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS - 3

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1 "document" and "documents" include, but without limitation, originals and all file copies  
2 and other copies that are not identical to the original no matter how or by whom prepared,  
3 and all drafts prepared in connection with any documents, whether used or not. If the  
4 original of any document is not in Your possession, custody or control, a copy of that  
5 document should be produced.

6 6. The phrases "relating to" or "regarding" mean consisting of, summarizing,  
7 describing, reflecting, or referring to in any way.

8 7. The singular shall include the plural, the use of the masculine gender shall  
9 include the feminine gender, and vice versa, whenever the context reasonably allows or  
10 requires such construction. "And" and "or" mean "and/or" whenever the context  
11 reasonably allows such construction.

12 DATED this 21<sup>st</sup> day of October, 2003.

13 PRESTON GATES & ELLIS LLP

14  
15 By 

16 Thomas E. Kelly, Jr., WSBA # 05690

17 Robert B. Mitchell, WSBA # 10874

18 Attorneys for PREMERA and  
19 Premera Blue Cross

20 **REQUESTS FOR PRODUCTION**

21 **REQUEST FOR PRODUCTION NO. 1:**

22 For each person whom You expect to call to testify as a consultant or as an expert  
23 witness, for whom You will be submitting pre-filed testimony, or whose opinions you  
24 otherwise intend to present or rely upon for the Conversion Hearing or the Conversion  
25 Forums or for Your position regarding the Conversion Application (hereinafter, an  
"Expert" or "Your Expert(s)"), please produce (a) a current resume or curriculum vitae,

PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS - 4

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1 (b) a copy of all engagement letters or memoranda regarding the Expert's engagement; (c)  
2 a statement of the compensation paid and to be paid to the Expert or his company; (d) all  
3 publications authored by the Expert from January 1, 1990 to the date of response to this  
4 Request (hereinafter, "to present"); (e) a list of all matters in which the Expert has, during  
5 the time period from January 1, 1999 to present, either prepared an expert report or  
6 testified as an expert (i.e., testified by way of declaration, pre-filed testimony, deposition  
7 or live testimony, at any hearing, trial or other proceeding); (f) a copy of all reports, pre-  
8 filed testimony, and declarations of the Expert from January 1, 1999 to present; and (g) a  
9 copy of the transcripts of all depositions and testimony of the Expert from January 1, 1999  
10 to present.

11 RESPONSE:

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15 REQUEST FOR PRODUCTION NO. 2:

16 Please produce all final reports, surveys, memo or other papers prepared by, or  
17 under the supervision of, each person whom You expect to call to testify as a consultant or  
18 as an expert witness, for whom You will be submitting pre-filed testimony, or whose  
19 opinions you otherwise intend to present or rely upon for the Conversion Hearing or the  
20 Conversion Forums or for Your position regarding the Conversion Application.

21 RESPONSE:

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PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS - 5

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1                   **REQUEST FOR PRODUCTION NO. 3:**

2   Please produce (a) the resumes of each person whom you expect to call as a non-expert  
3   witness at the Conversion Hearing (hereinafter, a "Non-expert Witness"); (b) all notes,  
4   drafts or other documents prepared by each such Non-expert Witness constituting,  
5   regarding or related to Your position or his/her position regarding the Conversion  
6   Application; and (c) each document that each such Non-expert Witness is expected to  
7   discuss in his/her testimony at the Conversion Hearing.

8   **RESPONSE:**

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12                   **REQUEST FOR PRODUCTION NO. 4:**

13               Please produce (a) all drafts of all reports, surveys, memos or other papers  
14   prepared by, or under the supervision of, each of Your Expert(s) for the Conversion  
15   Hearing or the Conversion Forums or for Your position regarding the Conversion  
16   Application; (b) all correspondence, emails, documents or other communication to and  
17   from You and each such Expert regarding the Conversion Application or the Conversion  
18   Hearing or the Conversion Forums, or the drafting or preparation of any such report  
19   surveys, memos or other papers; (c) all correspondence, emails, documents or other  
20   communications within the WSHA regarding the Conversion Application or the  
21   Conversion Hearing or the Conversion Forums; (d) all correspondence, emails, documents  
22   or other communications within the AWPFD regarding the Conversion Application or the  
23   Conversion Hearing or the Conversion Forums; (e) all correspondence, emails, documents  
24   or other communications sent by the WSHA or by the AWPFD to its/their members and  
25   any correspondence, emails, documents or other communications sent to either or both of

PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS - 6

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1 them by their respective members regarding the Conversion Application or the  
2 Conversion Hearing or the Conversion Forums; and (e) any other documents of any other  
3 documents regarding or related to the Conversion Application or the Conversion Hearing  
4 or the Conversion Forums.

5 RESPONSE:

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9 **REQUEST FOR PRODUCTION NO. 5:**

10 Please produce all correspondence, emails, documents or other communication to  
11 and from You and: (a) any of the officers, directors, employees, agents or lobbyists of the  
12 Intervenors or of the other Intervenor Groups, or any of the attorneys for any of the  
13 Intervenors or the other Intervenor Groups, or any of the consultants or experts for any of  
14 the Intervenors or the other Intervenor Groups or their attorneys; (b) anyone on the OIC  
15 Staff or any of the OIC Staff's consultants, or (c) anyone on the State of Alaska Division  
16 of Insurance staff or any of that staff's consultants.

17 This request includes, but is not limited to, any correspondence, emails, documents  
18 or other communications between any officer, director, employee, attorney, agent or  
19 lobbyist of the Washington State Medical Association and any officer, director, employee,  
20 attorney, agent or lobbyist of the WSHA or of the AWPHD. It also includes any such  
21 correspondence, emails, documents or other communications between or among any  
22 officer, director, employee, attorney, agent or lobbyist of the WSHA and any officer,  
23 director, employee, attorney, agent or lobbyist of the AWPHD.

24 RESPONSE:

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PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS - 7

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3 **REQUEST FOR PRODUCTION NO. 6:**

4 As set forth in the Commissioner's Fourth Order, the Hospital Associations were  
5 to "represent their interests surrounding the problem of uncompensated care its members  
6 are obligated to cover when insurance is not available."

7 Please produce all documents -- other than those produced by Premera to the OIC  
8 Staff -- in Your possession or under Your control that constitute, reflect or refer to "the  
9 problem of uncompensated care your members are obligated to cover when insurance is  
10 not available."

11 The documents to be produced should include, but not be limited to, all those  
12 regarding the future problem of uncompensated care, whether or not Premera is authorized  
13 to convert (e.g., comparisons of the future amounts of uncompensated care under  
14 conversion and non-conversion scenarios).

15 **RESPONSE:**  
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19 **REQUEST FOR PRODUCTION NO. 7:**

20 Please produce all documents -- other than those produced by Premera to the OIC  
21 Staff -- in Your possession or under Your control that constitute, reflect or refer to any  
22 data, from January 1, 1999 to present, as to (1) the amount of uncompensated care that one  
23 or more hospitals were obligated to cover when insurance was not available and (2) the  
24 amount of the reserves that any hospital booked in regard to any uncompensated care.

25 **RESPONSE:**

PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS - 8

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FACSIMILE (206) 623-7922

1  
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3 **REQUEST FOR PRODUCTION NO. 8:**

4 Please produce all documents -- other than those produced by Premera to the OIC  
5 Staff -- in Your possession or under Your control that constitute, reflect or refer to any  
6 data, from January 1, 1999 to present, for each of the hospitals that are members of the  
7 WSHA or of the AWPFD regarding each hospital's: (1) revenues; (2) operating income;  
8 (3) operating margin; and (4) amounts attributed to uncompensated care that the hospital  
9 was obligated to cover when insurance is not available.

10 The documents to be produced should include, but not be limited to, the following  
11 for each hospital: (1) annual budget; (2) annual audited financial statements; (3) reports  
12 from the hospital's certified public accountants; (4) reports from the hospital's internal  
13 auditor; (5) reports, memos, emails or other communications to the hospital's Board of  
14 Directors or Trustees and/or to its Audit Committee; (6) the minutes and board books of  
15 the hospital's Board of Directors or Trustees; (7) all memos, emails and other documents  
16 to and from its executives; and (8) all documents regarding the tax treatment by the  
17 hospital of any amounts attributed to uncompensated care.

18 **RESPONSE:**  
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21 **REQUEST FOR PRODUCTION NO. 9:**

22 Please produce all documents -- other than those produced by Premera to the OIC  
23 Staff -- in Your possession or under Your control that constitute, reflect or refer to, from  
24 January 1, 1999 to present, any correspondence, email, memo, study, report, survey,  
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PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS - 9

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SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1 spreadsheet, presentation, Board Minutes, Board Books, budget, pro forma, or other  
2 document, data or information prepared by or provided to any of Your members, officers,  
3 directors, employees, attorneys, agents, or lobbyists, regarding the response to, or plan  
4 regarding, or reaction to: (a) Premera's conversion from a non-profit to a for-profit  
5 company or (b) the amount of uncompensated care that one or more hospitals would be  
6 obligated to cover when insurance was not available, if Premera converts from a non-  
7 profit to a for-profit company.

8 RESPONSE:

11 REQUEST FOR PRODUCTION NO. 10:

12 Please produce all documents -- other than those produced by Premera to the OIC  
13 Staff -- in Your possession or under Your control that constitute, reflect or refer to, from  
14 January 1, 1999 to present, any correspondence, email, memo, study, report, survey,  
15 spreadsheet, presentation, Board Minutes, Board Books, budget, pro forma, or other  
16 document, data or information prepared by or provided to any of Your members, officers,  
17 directors, employees, attorneys, agents, or lobbyists, regarding: (a) any claim or allegation  
18 regarding Premera having any market power<sup>1</sup> in regard to charging above-competitive  
19 premiums to its insured in (i) the State of Washington or any county therein and/or (ii)  
20 Eastern Washington (east of the Cascade Mountains) or in any county in Eastern  
21 Washington and/or (iii) Western Washington (west of the Cascade Mountains) or in any  
22 county in Western Washington; (b) any claim or allegation regarding Regence Blue Shield

23 \_\_\_\_\_  
24 <sup>1</sup> For purpose of this Document Request, "market power" is defined as the ability to  
25 control prices and exclude competition.

1 having any market power in regard to profitably charging above-competitive premiums to  
2 its insured in (i) Washington or any county therein and/or (ii) Eastern Washington or in  
3 any county therein an/or (iii) Western Washington or any county therein; (c) any claim or  
4 allegation regarding Premera having any market power in regard to profitably offering  
5 below-competitive reimbursements to its health care providers in (i) Washington or any  
6 county therein and/or (ii) Eastern Washington or any county therein and/or (iii) Western  
7 Washington or any county therein; (d) any claim or allegation regarding Regence Blue  
8 Shield having any market power in regard to profitably offering below-competitive  
9 reimbursements to its health care providers in (i) Washington or any county therein and/or  
10 (ii) Eastern Washington or in any county therein an/or (iii) Western Washington or any  
11 county therein; (e) any hospital(s) in Eastern Washington or in any county in Eastern  
12 Washington having any market power in regard to profitably obtaining above-competitive  
13 reimbursements from health care insurers; or (f) any physician(s) or physician group(s) in  
14 (i) Washington or any county therein and/or (ii) Eastern Washington or in any county  
15 therein an/or (iii) Western Washington or any county therein having any market power in  
16 regard to profitably obtaining above-competitive reimbursements from health care  
17 insurers.

18 RESPONSE:

22 REQUEST FOR PRODUCTION NO. 11:

23 For the period January 1, 1999 to present, and for each hospital that is a member of  
24 the WSHA or AWPFD, please produce all contracts between each hospitals and the  
25 carrier(s) with which it has or had a contract.

PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS - 11

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925 FOURTH AVENUE  
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SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7027

1 RESPONSE:

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4 RESPONSES DATED this \_\_\_\_ day of November, 2003.

5  
6 Bennett Bigelow & Leedom, P.S.

7  
8 By: \_\_\_\_\_  
9 Michael Madden, WSBA No. \_\_\_\_\_  
10 Lead Attorneys for the Hospital Associations, an  
11 Intervenor Group herein

12 ATTORNEY CERTIFICATION

13 The undersigned attorney for the Hospital Associations has read the foregoing  
14 Document Requests and the Hospital Associations' Responses thereto, and hereby  
15 certifies that each of the Responses are in compliance with CR 26(g).

16 DATED this \_\_\_\_\_ day of November, 2003.

17 Bennett Bigelow & Leedom, P.S.

18  
19  
20 By: \_\_\_\_\_  
21 Michael Madden, WSBA No. \_\_\_\_\_  
22 Lead Attorneys for the Hospital Associations

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PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE HOSPITAL ASSOCIATIONS - 12

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SEATTLE, WASHINGTON 98104-1158  
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FACSIMILE (206) 623-7027

1 VERIFICATION DECLARATION

2 I, \_\_\_\_\_, make the following declaration under penalty of  
3 perjury:

4 I am a representative of the Hospital Associations, an Intervenor Group herein, and  
5 have been authorized by it to sign this Verification Declaration. I have read the foregoing  
6 Requests for Production and the Hospital Associations' Responses thereto, know the  
7 contents thereof, and state that those Responses are true and correct.

8 The Hospital Associations have produced all responsive documents for inspection  
9 and copying.

10 I declare under penalty of perjury that the foregoing is true and correct.

11 Executed this \_\_\_\_ day of November, 2003, at Seattle, Washington.

12  
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15 \_\_\_\_\_  
16 [Print name] \_\_\_\_\_  
17 [Title] \_\_\_\_\_  
18 Authorized Representative of the Hospital  
19 Associations

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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF WASHINGTON

In the Matter of the Application  
Regarding the Conversion and  
Acquisition of Control of Premera Blue  
Cross and its Affiliates

No. G02-45

CERTIFICATE OF SERVICE

I, Dennis M Tessier, certify that I served a copy of the following document(s):

- 1. **PREMERA'S AMENDED FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO THE HOSPITAL ASSOCIATIONS**
- 2. **CERTIFICATE OF SERVICE**

on all parties or their lead counsel of record on the date below as follows:

Service To:	Service Perfected By:
Carol Sureau Deputy Insurance Commissioner Office of the Insurance Commissioner 5000 Capitol Boulevard Tumwater, WA 98501	<input type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
P.O. Box 40255 Olympia, WA 98504-0255	
(Original & 4 plus 1 Electronic by E-Mail)	
John F. Hamje Legal Affairs Division Office of the Insurance Commissioner	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service

CERTIFICATE OF SERVICE - 1

1	Service To:	Service Perfected By:
2	5000 Capitol Boulevard	<input type="checkbox"/> By Hand Delivery
3	Tumwater, WA 98501	<input checked="" type="checkbox"/> By Facsimile
4	P.O. Box 40255	<input type="checkbox"/> By E-Mail
5	Olympia, WA 98504-0255	
6	Melanie C. deLeon	<input checked="" type="checkbox"/> By United States Mail
7	Assistant Attorney General	<input type="checkbox"/> By Overnight Delivery
8	Office of the Attorney General	<input type="checkbox"/> By Legal Messenger Service
9	1125 Washington Street S.E.	<input type="checkbox"/> By Hand Delivery
10	P.O. Box 40100	<input checked="" type="checkbox"/> By Facsimile
11	Olympia, WA 98504-0100	<input type="checkbox"/> By E-Mail
12		
13	Amy McCullough	<input checked="" type="checkbox"/> By United States Mail
14	James Davis	<input type="checkbox"/> By Overnight Delivery
15	Alaska Legal Services	<input type="checkbox"/> By Legal Messenger Service
16	Corporation	<input type="checkbox"/> By Hand Delivery
17	1016 West 6 <sup>th</sup> Avenue, Ste. 200	<input checked="" type="checkbox"/> By Facsimile
18	Anchorage, AK 99501	<input type="checkbox"/> By E-Mail
19		
20	Mr. Richard E. Spoonemore	<input checked="" type="checkbox"/> By United States Mail
21	Sirianni Youtz Meier & Spoonemore	<input type="checkbox"/> By Overnight Delivery
22	1100 Millennium Tower	<input type="checkbox"/> By Legal Messenger Service
23	719 Second Av., Suite 1100	<input type="checkbox"/> By Hand Delivery
24	Seattle, WA 98104	<input checked="" type="checkbox"/> By Facsimile
25		<input type="checkbox"/> By E-Mail
26		
27	Eleanor Hamburger	<input checked="" type="checkbox"/> By United States Mail
28	John Midgley	<input type="checkbox"/> By Overnight Delivery
29	Columbia Legal Services	<input type="checkbox"/> By Legal Messenger Service
30	101 Yesler Way, Suite 300	<input type="checkbox"/> By Hand Delivery
31	Seattle, WA 98104	<input checked="" type="checkbox"/> By Facsimile
32		<input type="checkbox"/> By E-Mail
33		
34	Michael Madden	<input checked="" type="checkbox"/> By United States Mail
35	Michael S. Shachat	<input type="checkbox"/> By Overnight Delivery
36	Bennett Bigelow & Leedom, P.S.	<input type="checkbox"/> By Legal Messenger Service
37	1700 Seventh Avenue, Suite 1900	<input type="checkbox"/> By Hand Delivery
38	Seattle, WA 98101	<input checked="" type="checkbox"/> By Facsimile
39	<b>ORIGINAL &amp; COPY</b>	<input type="checkbox"/> By E-Mail
40		
41	Jeff Coopersmith	<input checked="" type="checkbox"/> By United States Mail
42	Coopersmith Health Law Group	<input type="checkbox"/> By Overnight Delivery
43	1325 Fourth Avenue, Suite 1740	<input type="checkbox"/> By Legal Messenger Service

CERTIFICATE OF SERVICE - 2

1      **Service To:**

**Service Perfected By:**

2      Seattle, WA 98101

[ ] By Hand Delivery

[X] By Facsimile

[ ] By E-Mail

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4  
5      I certify under penalty of perjury under the laws of the State of Washington that  
6 the foregoing is true and correct.

7      DATED this Tuesday, October 21, 2003.

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10      Dennis M. Tessier

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CERTIFICATE OF SERVICE - 3

PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1  
2  
3 BEFORE THE INSURANCE COMMISSIONER  
4 OF THE STATE OF WASHINGTON

5 In the Matter of the Application  
6 regarding the Conversion and  
7 Acquisition of Control of Premera Blue  
8 Cross and its Affiliates.

No. G 02-45

PREMERA'S AMENDED FIRST SET  
OF REQUESTS FOR PRODUCTION  
OF DOCUMENTS TO THE ALASKA  
INTERVENORS

9 TO: The Alaska Intervenors, an Intervenor Group herein

10 AND TO: Its lead attorneys, Amy McCullough and Alaska Legal Services  
11 Corporation

12 PREMERA and Premera Blue Cross ("Premera") hereby propound the following  
13 Requests for Production of Documents to the Alaska Intervenors, an Intervenor Group  
14 herein.

15 The requested documents should be produced for inspection and copying within 30  
16 days after the date of service at the offices of Preston Gates & Ellis LLP, 925 Fourth  
17 Avenue, Suite 2900, Seattle, Washington 98104, or at such other location as may be  
18 determined by agreement with counsel. You should respond to each discovery request in  
19 accordance with the instructions and definitions set forth below. The requests for  
20 production of documents are continuing in nature within the meaning of CR 26.

21 **INSTRUCTIONS**

22 A. If any document is withheld from production on the ground that its  
23 production is privileged due to the attorney-client privilege, work-product rule, or other  
24 legally recognized privilege preventing its disclosure to a requesting party, please state  
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PREMERA'S AMENDED FIRST SET REQUESTS  
FOR PRODUCTION OF DOCUMENTS TO THE  
ALASKA INTERVENORS - 1

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1 separately for each such document: (1) the applicable privilege pursuant to which You  
2 claim protection; (2) the date of the document; (3) the nature of the document (e.g., letter);  
3 (4) the full name, job title, and employer for each author of the document; (5) the full  
4 name, job title, and employer of each addressee and named recipient of the document; (6)  
5 the full name, job title, and employer of each person who, to Your knowledge, has seen  
6 the document; and (7) in general, the substance of the document.

7 B. In responding to these requests for production, You should provide all  
8 documents that are available to You, including all documents that may be in the  
9 possession of any person for whom You have authority to act in this proceeding, as well  
10 as of Your agents, attorneys, or other persons who are acting under Your direction or on  
11 Your behalf or are otherwise subject to your control.

12 C. In responding to these requests for production, You should make a diligent  
13 search of Your records and of other papers and materials in Your possession or available  
14 to you. Likewise, You should make a diligent search of the records, papers, and materials  
15 in the possession of any person on behalf of whom You claim to have authority to act in  
16 this proceeding.

### 17 DEFINITIONS

18 Unless the context clearly indicates otherwise, the following terms and phrases  
19 will be defined and used herein as follows:

20 1. The terms "You" and "Your" mean and include the Alaska Intervenors, an  
21 Intervenor Group designated by the Insurance Commissioner, and the component  
22 organizations, institution and individuals thereof and their respective staffs, employees,  
23 consultants, attorneys, experts, agents, investigators, officers and directors.

24 2. The terms "the Conversion Application" and the term "the Conversion  
25 Hearing" refer to the matter pending before the Washington State Office of the Insurance  
PREMERA'S AMENDED FIRST SET REQUESTS  
FOR PRODUCTION OF DOCUMENTS TO THE  
ALASKA INTERVENORS - 2

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1 Commissioner, denominated "In the Matter of the Application for Conversion of Premera  
2 Blue Cross," Docket No. G02-45, and the hearing thereon. The term "Conversion  
3 Forums" refer to the public hearings that the Insurance Commissioner has planned for  
4 December 2003.

5 3. The term "Intervenor" means any of the petitioning intervenors identified  
6 in the February 10, 2003 "Fourth Order: Ruling on Motions to Intervene" of the Insurance  
7 Commissioner and the term "Intervenor Groups" means the Intervenor Groups identified  
8 in said Order.

9 4. The terms "person" and "persons" mean and include all individuals and all  
10 entities of any description, including but not limited to all associations, companies, sole  
11 proprietorships, partnerships, joint ventures, corporations, trusts and estates, subsidiaries,  
12 and parents, as well as all individuals employed or retained by any of the foregoing.

13 5. The terms "document" and "documents" mean and include any kind of  
14 written, typewritten, or printed material whatsoever, any kind of graphic material, and any  
15 computer readable media including, but not limited to, e-mails, papers, agreements,  
16 contracts, notes, applications, memoranda, correspondence, studies, working papers,  
17 letters, telegrams, invoices, personal diaries, reports, records, books, forms, indexes,  
18 transcriptions and recordings, magnetic tapes, video tapes, wire recordings, disks and  
19 printed cards, data sheets, data processing cards, personal calendars, interoffice  
20 memoranda, minutes and records of any sorts of meetings, financial statements, financial  
21 calculations, estimates, reports of telephone or other oral conversations, appointment  
22 books, maps, drawings, charts, graphs, photographs, and all other writings and recordings  
23 of every kind, however produced or reproduced, whether signed or unsigned. The terms  
24 "document" and "documents" include, but without limitation, originals and all file copies  
25 and other copies that are not identical to the original no matter how or by whom prepared,

PREMERA'S AMENDED FIRST SET REQUESTS  
FOR PRODUCTION OF DOCUMENTS TO THE  
ALASKA INTERVENORS - 3

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7027

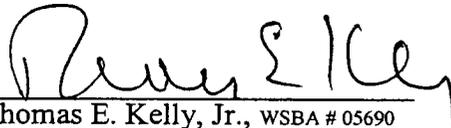
1 and all drafts prepared in connection with any documents, whether used or not. If the  
2 original of any document is not in Your possession, custody or control, a copy of that  
3 document should be produced.

4 6. The phrases "relating to" or "regarding" mean consisting of, summarizing,  
5 describing, reflecting, or referring to in any way.

6 7. The singular shall include the plural, the use of the masculine gender shall  
7 include the feminine gender, and vice versa, whenever the context reasonably allows or  
8 requires such construction. "And" and "or" mean "and/or" whenever the context  
9 reasonably allows such construction.

10 DATED this 21<sup>st</sup> day of October, 2003.

11 PRESTON GATES & ELLIS LLP

12  
13 By   
14 Thomas E. Kelly, Jr., WSBA # 05690  
15 Robert B. Mitchell, WSBA # 10874  
16 Attorneys for PREMERA and  
Premera Blue Cross

17 **REQUESTS FOR PRODUCTION**

18 **REQUEST FOR PRODUCTION NO. 1:**

19 For each person person whom You expect to call to testify as a consultant or as an  
20 expert witness, for whom You will be submitting pre-filed testimony, or whose opinions  
21 You otherwise intend to present or rely upon for the Conversion Hearing or the  
22 Conversion Forums or for Your position regarding the Conversion Application  
23 (hereinafter, an "Expert" or "Your Expert(s)"), please produce (a) a current resume or  
24 curriculum vitae, (b) a copy of all engagement letters or memoranda regarding the  
25

PREMERA'S AMENDED FIRST SET REQUESTS  
FOR PRODUCTION OF DOCUMENTS TO THE  
ALASKA INTERVENORS - 4

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1 Expert's engagement; (c) a statement of the compensation paid and to be paid to the  
2 Expert or his/her company; (d) all publications authored by the Expert from January 1,  
3 1990 to the date of response to this Request (hereinafter, "to present"); (e) a list of all  
4 matters in which the Expert has, during the time period from January 1, 1999 to present,  
5 either prepared an expert report or testified as an expert (i.e., testified by way of  
6 declaration, pre-filed testimony, deposition or live testimony, at any hearing, trial or other  
7 proceeding); (f) a copy of all reports, pre-filed testimony, and declarations of the Expert  
8 from January 1, 1999 to present; and (g) a copy of the transcripts of all depositions and  
9 testimony of the Expert from January 1, 1999 to present.

10 RESPONSE:

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14 REQUEST FOR PRODUCTION NO. 2:

15 Please produce all final reports, surveys, memo or other papers prepared by, or  
16 under the supervision of, each person whom You expect to call to testify as a consultant or  
17 as an expert witness, for whom You will be submitting pre-filed testimony, or whose  
18 opinions You otherwise intend to present or rely upon for the Conversion Hearing or the  
19 Conversion Forums or for Your position regarding the Conversion Application.

20 RESPONSE:

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PREMERA'S AMENDED FIRST SET REQUESTS  
FOR PRODUCTION OF DOCUMENTS TO THE  
ALASKA INTERVENORS - 5

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1                   **REQUEST FOR PRODUCTION NO. 3:**

2                   Please produce (a) the resumes of each person whom you expect to call as a non-  
3 expert witness at the Conversion Hearing (hereinafter, a “Non-expert Witness”); (b) all  
4 notes, drafts or other documents prepared by each such Non-expert Witness constituting,  
5 regarding or related to Your position or his/her position regarding the Conversion  
6 Application and (c) each document that each such Non-expert Witness is expected to  
7 discuss in his/her testimony at the Conversion Hearing.

8                   **RESPONSE:**

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12                   **REQUEST FOR PRODUCTION NO. 4:**

13                   Please produce (a) all drafts of all reports, surveys, memos or other papers  
14 prepared by, or under the supervision of, each of Your Expert(s) for the Conversion  
15 Hearing or the Conversion Forums or for Your position regarding the Conversion  
16 Application; (b) all correspondence, emails, documents or other communication to and  
17 from You and each such Expert regarding the Conversion Application or the Conversion  
18 Hearing or the Conversion Forums, or the drafting or preparation of any such report  
19 surveys, memos or other papers; and (c) any other documents of any other documents  
20 regarding or related to the Conversion Application or the Conversion Hearing or the  
21 Conversion Forums.

22                   **RESPONSE:**

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1           **REQUEST FOR PRODUCTION NO. 5:**

2           Please produce all correspondence, emails, documents or other communication  
3 regarding or relating to the Conversion Application or the Conversion Hearing or the  
4 Conversion Forums to and from You and: (a) any of the Intervenors, or any of the other  
5 Intervenor Groups, or any of the attorneys for any of the Intervenors or the other  
6 Intervenor Groups, or any of the consultants or experts for any of the Intervenors or the  
7 other Intervenor Groups or their attorneys; (b) any one on the OIC Staff, or (c) any one on  
8 the State of Alaska Division of Insurance staff.

9           **RESPONSE:**

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12           **REQUEST FOR PRODUCTION NO. 6 :**

13           As set forth in the Commissioner's Fourth Order, the Alaska Intervenors were to  
14 "present information about the effects on the Alaska health insurance market that may be  
15 relevant to the Washington Insurance Commissioner's review and that will not be  
16 provided by another party."

17           Please produce all documents -- other than those produced by Premera to the OIC  
18 Staff or the Alaska Division of Insurance -- in Your possession or under Your control that  
19 constitute, reflect or refer to "the effects on the Alaska health insurance market that may  
20 be relevant to the Washington Insurance Commissioner's review."

21           The documents to be produced should include, but not be limited to, all those  
22 regarding the future of the Alaska health insurance market, whether or not Premera is  
23 authorized to convert (e.g., if Premera converts to a for-profit company or if it does not).  
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PREMERA'S AMENDED FIRST SET REQUESTS  
FOR PRODUCTION OF DOCUMENTS TO THE  
ALASKA INTERVENORS - 7

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1 RESPONSE:

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PREMERA'S AMENDED FIRST SET REQUESTS  
FOR PRODUCTION OF DOCUMENTS TO THE  
ALASKA INTERVENORS - 8

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1  
2 RESPONSES DATED this \_\_\_\_ day of November, 2003.

3 ALASKA LEGAL SERVICE CORPORATION

4  
5 By: \_\_\_\_\_  
6 Amy McCullough  
7 Lead Attorneys for the Alaska Intervenors, an  
8 Intervenor Group herein

9 ATTORNEY CERTIFICATION

10 The undersigned attorney for the Intervenor Group, the Alaska Intervenors  
11 ("Intervenors"), has read the foregoing Document Requests and the Intervenors'  
12 Responses thereto, and hereby certifies that each of the Responses is in compliance with  
13 CR 26(g).

14 DATED this \_\_\_\_\_ day of November, 2003.

15 ALASKA LEGAL SERVICE CORPORATION

16  
17 By: \_\_\_\_\_  
18 Amy McCullough  
19 Lead Attorneys for the Alaska Intervenors, an  
20 Intervenor Group herein

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PREMERA'S AMENDED FIRST SET REQUESTS  
FOR PRODUCTION OF DOCUMENTS TO THE  
ALASKA INTERVENORS - 9

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1 VERIFICATION DECLARATION

2 I, \_\_\_\_\_, make the following declaration under penalty of  
3 perjury:

4 I am a representative of the Alaska Intervenors and have been authorized by them  
5 to sign this Verification Declaration. I have read the foregoing Requests for Production  
6 and the Intervenors' Answers and Responses thereto, know the contents thereof, and state  
7 that those Responses are true and correct.

8 The Alaska Intervenors have produced all responsive documents for inspection  
9 and copying.

10 I declare under penalty of perjury that the foregoing is true and correct.

11 Executed this \_\_\_\_ day of November, 2003, at Seattle, Washington.

12  
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15 \_\_\_\_\_  
16 [Print name] \_\_\_\_\_  
17 [Title] \_\_\_\_\_  
18 Authorized Representative of the Alaska  
19 Intervenors

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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF WASHINGTON

In the Matter of the Application  
Regarding the Conversion and  
Acquisition of Control of Premera Blue  
Cross and its Affiliates

No. G02-45

CERTIFICATE OF SERVICE

I, Dennis M Tessier, certify that I served a copy of the following document(s):

- 1. **PREMERA'S AMENDED FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO THE ALASKA INTERVENORS**
- 2. **CERTIFICATE OF SERVICE**

on all parties or their lead counsel of record on the date below as follows:

Service To:	Service Perfected By:
Carol Sureau Deputy Insurance Commissioner Office of the Insurance Commissioner 5000 Capitol Boulevard Tumwater, WA 98501  P.O. Box 40255 Olympia, WA 98504-0255	<input type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
(Original & 4 plus 1 Electronic by E-Mail)	
John F. Hamje Legal Affairs Division Office of the Insurance Commissioner	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service

CERTIFICATE OF SERVICE - 1

1	Service To:	Service Perfected By:
2	5000 Capitol Boulevard Tumwater, WA 98501	<input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile
3	P.O. Box 40255 Olympia, WA 98504-0255	<input type="checkbox"/> By E-Mail
5	Melanie C. deLeon Assistant Attorney General	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery
6	Office of the Attorney General 1125 Washington Street S.E.	<input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery
7	P.O. Box 40100 Olympia, WA 98504-0100	<input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
9	Amy McCullough James Davis	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery
10	Alaska Legal Services Corporation	<input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery
11	1016 West 6 <sup>th</sup> Avenue, Ste. 200 Anchorage, AK 99501 <b>ORIGINAL &amp; COPY</b>	<input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
13	Mr. Richard E. Spoonemore Sirianni Youtz Meier & Spoonemore	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery
14	1100 Millennium Tower 719 Second Av., Suite 1100	<input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery
15	Seattle, WA 98104	<input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
17	Eleanor Hamburger John Midgley	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery
18	Columbia Legal Services 101 Yesler Way, Suite 300	<input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery
19	Seattle, WA 98104	<input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
21	Michael Madden Michael S. Shachat	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery
22	Bennett Bigelow & Leedom, P.S. 1700 Seventh Avenue, Suite 1900	<input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery
23	Seattle, WA 98101	<input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
24	Jeff Coopersmith Coopersmith Health Law Group	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery
25	1325 Fourth Avenue, Suite 1740	<input type="checkbox"/> By Legal Messenger Service

CERTIFICATE OF SERVICE - 2

1 **Service To:**

**Service Perfected By:**

2 Seattle, WA 98101

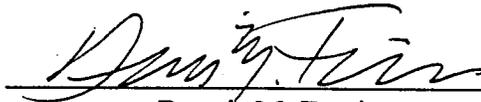
[ ] By Hand Delivery

[X] By Facsimile

[ ] By E-Mail

3  
4  
5 I certify under penalty of perjury under the laws of the State of Washington that  
6 the foregoing is true and correct.

7 DATED this Tuesday, October 21, 2003.

8  
9 

10 Dennis M. Tessier

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CERTIFICATE OF SERVICE - 3

PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF WASHINGTON

In the Matter of the Application  
regarding the Conversion and  
Acquisition of Control of Premera Blue  
Cross and its Affiliates.

No. G 02-45

PREMERA'S AMENDED FIRST SET  
OF REQUESTS FOR PRODUCTION  
OF DOCUMENTS TO THE PREMERA  
WATCH COALITION

9 TO: The Premera Watch Coalition, an Intervenor Group herein

10 AND TO: Its lead attorneys, Eleanor Hamburger and Columbia Legal Services

11 PREMERA and Premera Blue Cross ("Premera") hereby propound the following  
12 Requests for Production of Documents to the Premera Watch Coalition, an Intervenor  
13 Group herein.

14 The requested documents should be produced for inspection and copying within 30  
15 days after the date of service at the offices of Preston Gates & Ellis LLP, 925 Fourth  
16 Avenue, Suite 2900, Seattle, Washington 98104, or at such other location as may be  
17 determined by agreement with counsel. You should respond to each discovery request in  
18 accordance with the instructions and definitions set forth below. The requests for  
19 production of documents are continuing in nature within the meaning of CR 26.

20 **INSTRUCTIONS**

21 A. If any document is withheld from production on the ground that its  
22 production is privileged due to the attorney-client privilege, work-product rule, or other  
23 legally recognized privilege preventing its disclosure to a requesting party, please state  
24 separately for each such document: (1) the applicable privilege pursuant to which You  
25 claim protection; (2) the date of the document; (3) the nature of the document (e.g., letter);

PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE PREMERA WATCH COALITION - 1

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE: (206) 423 7580  
FACSIMILE: (206) 673 7022

1 (4) the full name, job title, and employer for each author of the document; (5) the full  
2 name, job title, and employer of each addressee and named recipient of the document; (6)  
3 the full name, job title, and employer of each person who, to Your knowledge, has seen  
4 the document; and (7) in general, the substance of the document.

5 B. In responding to these requests for production, You should provide all  
6 documents that are available to You, including all documents that may be in the  
7 possession of any person for whom You have authority to act in this proceeding, as well  
8 as of Your agents, attorneys, or other persons who are acting under Your direction or on  
9 Your behalf or are otherwise subject to Your control.

10 C. In responding to these requests for production, You should make a diligent  
11 search of Your records and of other papers and materials in Your possession or available  
12 to you. Likewise, You should make a diligent search of the records, papers, and materials  
13 in the possession of any person on behalf of whom You claim to have authority to act in  
14 this proceeding.

#### 15 DEFINITIONS

16 Unless the context clearly indicates otherwise, the following terms and phrases  
17 will be defined and used herein as follows:

18 1. The terms "You" and "Your" mean and include the Premera Watch  
19 Coalition, an Intervenor Group herein, and the member organizations thereof and their  
20 respective staffs, employees, consultants, attorneys, experts, agents, investigators, officers  
21 and directors.

22 2. The terms "the Conversion Application" and the term "the Conversion  
23 Hearing" refer to the matter pending before the Washington State Office of the Insurance  
24 Commissioner, denominated "In the Matter of the Application for Conversion of Premera  
25 Blue Cross," Docket No. G02-45, and the hearing thereon. The term "Conversion

PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE PREMERA WATCH COALITION - 2

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
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SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1 Forums" refer to the public hearings that the Insurance Commissioner has planned for  
2 December 2003.

3 3. The term "Intervenor" means any of the petitioning intervenors identified  
4 in the February 10, 2003 "Fourth Order: Ruling on Motions to Intervene" of the Insurance  
5 Commissioner and the term "Intervenor Groups" means the Intervenor Groups identified  
6 in said Order.

7 4. The terms "person" and "persons" mean and include all individuals and all  
8 entities of any description, including but not limited to all associations, companies, sole  
9 proprietorships, partnerships, joint ventures, corporations, trusts and estates, subsidiaries,  
10 and parents, as well as all individuals employed or retained by any of the foregoing.

11 5. The terms "document" and "documents" mean and include any kind of  
12 written, typewritten, or printed material whatsoever, any kind of graphic material, and any  
13 computer readable media including, but not limited to, e-mails, papers, agreements,  
14 contracts, notes, applications, memoranda, correspondence, studies, working papers,  
15 letters, telegrams, invoices, personal diaries, reports, records, books, forms, indexes,  
16 transcriptions and recordings, magnetic tapes, video tapes, wire recordings, disks and  
17 printed cards, data sheets, data processing cards, personal calendars, interoffice  
18 memoranda, minutes and records of any sorts of meetings, financial statements, financial  
19 calculations, estimates, reports of telephone or other oral conversations, appointment  
20 books, maps, drawings, charts, graphs, photographs, and all other writings and recordings  
21 of every kind, however produced or reproduced, whether signed or unsigned. The terms  
22 "document" and "documents" include, but without limitation, originals and all file copies  
23 and other copies that are not identical to the original no matter how or by whom prepared,  
24 and all drafts prepared in connection with any documents, whether used or not. If the  
25

PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE PREMERA WATCH COALITION - 3

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7021

1 original of any document is not in Your possession, custody or control, a copy of that  
2 document should be produced.

3 6. The phrases "relating to" or "regarding" mean consisting of, summarizing,  
4 describing, reflecting, or referring to in any way.

5 7. The singular shall include the plural, the use of the masculine gender shall  
6 include the feminine gender, and vice versa, whenever the context reasonably allows or  
7 requires such construction. "And" and "or" mean "and/or" whenever the context  
8 reasonably allows such construction.

9 DATED this 21<sup>st</sup> day of October, 2003.

10 PRESTON GATES & ELLIS LLP

11  
12  
13 By   
14 Thomas E. Kelly, Jr., WSBA # 05690  
15 Robert B. Mitchell, WSBA # 10874  
16 Attorneys for PREMERA and  
17 Premera Blue Cross

18 **REQUESTS FOR PRODUCTION**

19 **REQUEST FOR PRODUCTION NO. 1:**

20 For each person whom You expect to call to testify as a consultant or as an expert  
21 witness, for whom You will be submitting pre-filed testimony, or whose opinions you  
22 otherwise intend to present or rely upon for the Conversion Hearing or the Conversion  
23 Forums or for Your position regarding the Conversion Application (hereinafter, an  
24 "Expert" or "Your Expert(s)"), please produce (a) a current resume or curriculum vitae,  
25 (b) a copy of all engagement letters or memoranda regarding the Expert's engagement; (c)  
a statement of the compensation paid and to be paid to the Expert or his company; (d) all  
publications authored by the Expert from January 1, 1990 to the date of response to this

PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE PREMERA WATCH COALITION - 4

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1 Request (hereinafter, "to present"); (e) a list of all matters in which the Expert has, during  
2 the time period from January 1, 1999 to present, either prepared an expert report or  
3 testified as an expert (i.e., testified by way of declaration, pre-filed testimony, deposition  
4 or live testimony, at any hearing, trial or other proceeding); (f) a copy of all reports, pre-  
5 filed testimony, and declarations of the Expert from January 1, 1999 to present; and (g) a  
6 copy of the transcripts of all depositions and testimony of the Expert from January 1, 1999  
7 to present.

8 RESPONSE:

9  
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11  
12 **REQUEST FOR PRODUCTION NO. 2:**

13 Please produce all final reports, surveys, memo or other papers prepared by, or  
14 under the supervision of, each person whom You expect to call to testify as a consultant or  
15 as an expert witness, for whom You will be submitting pre-filed testimony, or whose  
16 opinions you otherwise intend to present or rely upon for the Conversion Hearing or the  
17 Conversion Forums or for Your position regarding the Conversion Application.

18 RESPONSE:

19  
20  
21 **REQUEST FOR PRODUCTION NO. 3:**

22 Please produce (a) the resumes of each person whom you expect to call as a non-  
23 expert witness at the Conversion Hearing (hereinafter, a "Non-expert Witness"); (b) all  
24 notes, drafts or other documents prepared by each such Non-expert Witness constituting,  
25

PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE PREMERA WATCH COALITION - 5

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1 regarding or related to Your position or his/her position regarding the Conversion  
2 Application; and (c) each document that each such Non-expert Witness is expected to  
3 discuss in his/her testimony at the Conversion Hearing.

4 RESPONSE:

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8 **REQUEST FOR PRODUCTION NO. 4:**

9 Please produce (a) all drafts of all reports, surveys, memos or other papers  
10 prepared by, or under the supervision of, each of Your Expert(s) for the Conversion  
11 Hearing or the Conversion Hearing Forums or for Your position regarding the Conversion  
12 Application; (b) all correspondence, emails, documents or other communication to and  
13 from You and each such Expert regarding the Conversion Application or the Conversion  
14 Hearing or the Conversion Forums or the drafting or preparation of any such report  
15 surveys, memos or other papers; and (c) any other documents of any other documents  
16 regarding or related to the Conversion Application or the Conversion Hearing or the  
17 Conversion Forums.

18 RESPONSE:

19  
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21 **REQUEST FOR PRODUCTION NO. 5:**

22 Please produce all correspondence, emails, documents or other communication  
23 regarding or relating to the Conversion Application or the Conversion Hearing or the  
24 Conversion Forums to and from You and: (a) any of the Intervenors, or any of the other  
25

PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE PREMERA WATCH COALITION - 6

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 423-7580  
FACSIMILE (206) 423-7022

1 Intervenor Groups, or any of the attorneys for any of the Intervenor or the other  
2 Intervenor Groups, or any of the consultants or experts for any of the Intervenor or the  
3 other Intervenor Groups or their attorneys; (b) any one on the OIC Staff, or (c) any one on  
4 the State of Alaska Division of Insurance staff.

5 RESPONSE:

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7  
8 **REQUEST FOR PRODUCTION NO. 6:**

9 As set forth in the Commissioner's Fourth Order, Premera Watch Coalition was to  
10 "provide expert opinion on the impact of the conversion on health care generally."

11 Please produce all documents -- other than those produced by Premera to the OIC  
12 Staff -- in Your possession or under Your control that constitute, reflect or refer to "the  
13 impact of Premera's proposed conversion on health care."

14 The documents to be produced should include, but not be limited to, all those  
15 regarding the future of health care, whether or not Premera is authorized to convert (e.g.,  
16 comparisons of future health care if Premera converts and if it does not).

17 RESPONSE:

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PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE PREMERA WATCH COALITION - 7

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623 7580  
FACSIMILE (206) 623 7022

1 RESPONSES DATED this \_\_\_\_ day of November, 2003.

2 COLUMBIA LEGAL SERVICES

3  
4 By: \_\_\_\_\_  
5 Eli Hamburger, WSBA No. \_\_\_\_\_  
6 Lead Attorneys for the Premera Watch Coalition, an  
7 Intervenor Group herein

8 ATTORNEY CERTIFICATION

9 The undersigned attorney for the Premera Watch Coalition ("Coalition"), has read  
10 the foregoing Document Requests and the Coalition's Responses thereto, and hereby  
11 certifies that each of the Responses are in compliance with CR 26(g).

12 DATED this \_\_\_\_\_ day of November, 2003.

13 COLUMBIA LEGAL SERVICES

14  
15  
16 By: \_\_\_\_\_  
17 Eli Hamburger, WSBA No. \_\_\_\_\_  
18 Attorneys for the Premera Watch Coalition, an  
19 Intervenor Group herein

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PREMERA'S AMENDED FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO THE PREMERA WATCH COALITION - 8

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE: (206) 623-7580  
FACSIMILE: (206) 623-7922

1 VERIFICATION DECLARATION

2 I, \_\_\_\_\_, make the following declaration under penalty of  
3 perjury:

4 I am a representative of the Premera Watch Coalition and have been authorized by  
5 it to sign this Verification Declaration. I have read the foregoing Requests for Production  
6 and the Coalition's Responses thereto, know the contents thereof, and state that those  
7 Answers and Responses are true and correct.

8 The Coalition has produced all responsive documents for inspection and copying.

9 I declare under penalty of perjury that the foregoing is true and correct.

10 Executed this \_\_\_\_ day of November, 2003, at Seattle, Washington.

11 \_\_\_\_\_  
12 [Print name] \_\_\_\_\_  
13 [Title] \_\_\_\_\_  
14 Authorized Representative of the Premera Watch  
15 Coalition

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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF WASHINGTON

In the Matter of the Application  
Regarding the Conversion and  
Acquisition of Control of Premera Blue  
Cross and its Affiliates

No. G02-45

CERTIFICATE OF SERVICE

I, Dennis M Tessier, certify that I served a copy of the following document(s):

- 1. **PREMERA'S AMENDED FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO THE PREMERA WATCH COALITION**
- 2. **CERTIFICATE OF SERVICE**

on all parties or their lead counsel of record on the date below as follows:

Service To:	Service Perfected By:
Carol Sureau Deputy Insurance Commissioner Office of the Insurance Commissioner 5000 Capitol Boulevard Tumwater, WA 98501  P.O. Box 40255 Olympia, WA 98504-0255	<input type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
(Original & 4 plus 1 Electronic by E-Mail)	
John F. Hamje Legal Affairs Division Office of the Insurance Commissioner	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service

Service To:	Service Perfected By:
5000 Capitol Boulevard Tumwater, WA 98501  P.O. Box 40255 Olympia, WA 98504-0255	<input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
Melanie C. deLeon Assistant Attorney General Office of the Attorney General 1125 Washington Street S.E. P.O. Box 40100 Olympia, WA 98504-0100	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
Amy McCullough James Davis Alaska Legal Services Corporation 1016 West 6 <sup>th</sup> Avenue, Ste. 200 Anchorage, AK 99501	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
Mr. Richard E. Spoonemore Sirianni Youtz Meier & Spoonemore 1100 Millennium Tower 719 Second Av., Suite 1100 Seattle, WA 98104	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
Eleanor Hamburger John Midgley Columbia Legal Services 101 Yesler Way, Suite 300 Seattle, WA 98104 <b>ORIGINAL &amp; COPY</b>	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
Michael Madden Michael S. Shachat Bennett Bigelow & Leedom, P.S. 1700 Seventh Avenue, Suite 1900 Seattle, WA 98101	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
Jeff Coopersmith Coopersmith Health Law Group 1325 Fourth Avenue, Suite 1740	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service

CERTIFICATE OF SERVICE - 2

1 **Service To:**

**Service Perfected By:**

2 Seattle, WA 98101

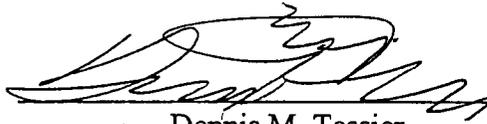
[ ] By Hand Delivery

[X] By Facsimile

[ ] By E-Mail

3  
4  
5 I certify under penalty of perjury under the laws of the State of Washington that  
6 the foregoing is true and correct.

7 DATED this Tuesday, October 21, 2003.

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9 

10 Dennis M. Tessier

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CERTIFICATE OF SERVICE - 3

PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1  
2  
3 BEFORE THE INSURANCE COMMISSIONER  
4 OF THE STATE OF WASHINGTON

5 In the Matter of the Application  
6 regarding the Conversion and  
7 Acquisition of Control of Premera Blue  
8 Cross and its Affiliates.

No. G 02-45

PREMERA'S AMENDED FIRST SET  
OF DOCUMENT REQUESTS TO THE  
WASHINGTON STATE MEDICAL  
ASSOCIATION

9 TO: The Washington State Medical Association, an Intervenor Group  
10 herein

11 AND TO: Its lead attorneys, Jeffrey Coopersmith and Coopersmith Health  
12 Law Group

13 PREMERA and Premera Blue Cross ("Premera") hereby propound the following  
14 Requests for Production of Documents to the Washington State Medical Association, an  
15 Intervenor Group herein.

16 The requested documents should be produced for inspection and copying within 30  
17 days after the date of service at the offices of Preston Gates & Ellis LLP, 925 Fourth  
18 Avenue, Suite 2900, Seattle, Washington 98104, or at such other location as may be  
19 determined by agreement with counsel. You should respond to each discovery request in  
20 accordance with the instructions and definitions set forth below. The requests for  
21 production of documents are continuing in nature within the meaning of CR 26.

22 **INSTRUCTIONS**

23 A. If any document is withheld from production on the ground that its  
24 production is privileged due to the attorney-client privilege, work-product rule, or other

25 PREMERA'S AMENDED FIRST SET OF  
DOCUMENT REQUESTS TO THE WASHINGTON  
STATE MEDICAL ASSOCIATION - 1

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1 legally recognized privilege preventing its disclosure to a requesting party, please state  
2 separately for each such document: (1) the applicable privilege pursuant to which You  
3 claim protection; (2) the date of the document; (3) the nature of the document (e.g., letter);  
4 (4) the full name, job title, and employer for each author of the document; (5) the full  
5 name, job title, and employer of each addressee and named recipient of the document; (6)  
6 the full name, job title, and employer of each person who, to Your knowledge, has seen  
7 the document; and (7) in general, the substance of the document.

8 B. In responding to these requests for production, You should provide all  
9 documents that are available to You, including all documents that may be in the  
10 possession of any person for whom You have authority to act in this proceeding, as well  
11 as of Your agents, attorneys, or other persons who are acting under Your direction or on  
12 Your behalf or are otherwise subject to Your control.

13 C. In responding to these requests for production, You should make a diligent  
14 search of Your records and of other papers and materials in Your possession or available  
15 to You. Likewise, You should make a diligent search of the records, papers, and materials  
16 in the possession of any person on behalf of whom You claim to have authority to act in  
17 this proceeding.

#### 18 DEFINITIONS

19 Unless the context clearly indicates otherwise, the following terms and phrases  
20 will be defined and used herein as follows:

21 1. The terms "You" and "Your" mean and include the Washington State  
22 Medical Association, an Intervenor Group herein, and the members thereof and the  
23 respective staffs, employees, consultants, attorneys, experts, agents, investigators, officers  
24 and directors of the Washington State Medical Association and of its constituent  
25 members.

PREMERA'S AMENDED FIRST SET OF  
DOCUMENT REQUESTS TO THE WASHINGTON  
STATE MEDICAL ASSOCIATION - 2

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1           2.       The terms "the Conversion Application" and the term "the Conversion  
2 Hearing" refer to the matter pending before the Washington State Office of the Insurance  
3 Commissioner, denominated "In the Matter of the Application for Conversion of Premera  
4 Blue Cross," Docket No. G02-45, and the hearing thereon. The term "Conversion  
5 Forums" refer to the public hearings that the Insurance Commissioner has planned for  
6 December 2003.

7           3.       The term "Intervenor" means any of the petitioning intervenors identified  
8 in the February 10, 2003 "Fourth Order: Ruling on Motions to Intervene" of the Insurance  
9 Commissioner and the term "Intervenor Groups" means the Intervenor Groups identified  
10 in said Order.

11          4.       The terms "person" and "persons" mean and include all individuals and all  
12 entities of any description, including but not limited to all associations, companies, sole  
13 proprietorships, partnerships, joint ventures, corporations, trusts and estates, subsidiaries,  
14 and parents, as well as all individuals employed or retained by any of the foregoing.

15          5.       The terms "document" and "documents" mean and include any kind of  
16 written, typewritten, or printed material whatsoever, any kind of graphic material, and any  
17 computer readable media including, but not limited to, e-mails, papers, agreements,  
18 contracts, notes, applications, memoranda, correspondence, studies, working papers,  
19 letters, telegrams, invoices, personal diaries, reports, records, books, forms, indexes,  
20 transcriptions and recordings, magnetic tapes, video tapes, wire recordings, disks and  
21 printed cards, data sheets, data processing cards, personal calendars, interoffice  
22 memoranda, minutes and records of any sorts of meetings, financial statements, financial  
23 calculations, estimates, reports of telephone or other oral conversations, appointment  
24 books, maps, drawings, charts, graphs, photographs, and all other writings and recordings  
25 of every kind, however produced or reproduced, whether signed or unsigned. The terms

PREMERA'S AMENDED FIRST SET OF  
DOCUMENT REQUESTS TO THE WASHINGTON  
STATE MEDICAL ASSOCIATION - 3

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PRESTON GATES & ELLIS LLP  
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SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1 "document" and "documents" include, but without limitation, originals and all file copies  
2 and other copies that are not identical to the original no matter how or by whom prepared,  
3 and all drafts prepared in connection with any documents, whether used or not. If the  
4 original of any document is not in Your possession, custody or control, a copy of that  
5 document should be produced.

6 6. The phrases "relating to" or "regarding" mean consisting of, summarizing,  
7 describing, reflecting, or referring to in any way.

8 7. The singular shall include the plural, the use of the masculine gender shall  
9 include the feminine gender, and vice versa, whenever the context reasonably allows or  
10 requires such construction. "And" and "or" mean "and/or" whenever the context  
11 reasonably allows such construction.

12 DATED this 21<sup>st</sup> day of October, 2003.

13 PRESTON GATES & ELLIS LLP

14  
15 By   
16 Thomas E. Kelly, Jr., WSBA # 05690  
17 Robert B. Mitchell, WSBA # 10874  
18 Attorneys for PREMERA and  
Premera Blue Cross

19 **REQUESTS FOR PRODUCTION**

20 **REQUEST FOR PRODUCTION NO. 1:**

21 For each person whom You expect to call to testify as a consultant or as an expert  
22 witness, for whom You will be submitting pre-filed testimony, or whose opinions you  
23 otherwise intend to present or rely upon for the Conversion Hearing or the Conversion  
24 Forums or for Your position regarding the Conversion Application (hereinafter, an  
25 "Expert" or "Your Expert(s)"), please produce (a) a current resume or curriculum vitae,  
PREMERA'S AMENDED FIRST SET OF  
DOCUMENT REQUESTS TO THE WASHINGTON  
STATE MEDICAL ASSOCIATION - 4

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1 (b) a copy of all engagement letters or memoranda regarding the Expert's engagement; (c)  
2 a statement of the compensation paid and to be paid to the Expert or his company; (d) all  
3 publications authored by the Expert from January 1, 1990 to the date of response to this  
4 Request (hereinafter, "to present"); (e) a list of all matters in which the Expert has, during  
5 the time period from January 1, 1999 to present, either prepared an expert report or  
6 testified as an expert (i.e., testified by way of declaration, pre-filed testimony, deposition  
7 or live testimony, at any hearing, trial or other proceeding); (f) a copy of all reports, pre-  
8 filed testimony, and declarations of the Expert from January 1, 1999 to present; and (g) a  
9 copy of the transcripts of all depositions and testimony of the Expert from January 1, 1999  
10 to present.

11 RESPONSE:

12  
13  
14  
15 **REQUEST FOR PRODUCTION NO. 2:**

16 Please produce all final reports, surveys, memo or other papers prepared by, or  
17 under the supervision of, each person whom You expect to call to testify as a consultant or  
18 as an expert witness, for whom You will be submitting pre-filed testimony, or whose  
19 opinions you otherwise intend to present or rely upon for the Conversion Hearing or the  
20 Conversion Forums or for Your position regarding the Conversion Application.

21 RESPONSE:

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PREMERA'S AMENDED FIRST SET OF  
DOCUMENT REQUESTS TO THE WASHINGTON  
STATE MEDICAL ASSOCIATION - 5

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7577

1           **REQUEST FOR PRODUCTION NO. 3:**

2           Please produce (a) the resumes of each person whom you expect to call as a non-  
3 expert witness at the Conversion Hearing (hereinafter, a "Non-expert Witness"); (b) all  
4 notes, drafts or other documents prepared by each such Non-expert Witness constituting,  
5 regarding or related to Your position or his/her position regarding the Conversion  
6 Application; and (c) each document that each such Non-expert Witness is expected to  
7 discuss in his/her testimony at the Conversion Hearing.

8           **RESPONSE:**

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12           **REQUEST FOR PRODUCTION NO. 4:**

13           Please produce (a) all drafts of all reports, surveys, memos or other papers  
14 prepared by, or under the supervision of, each of Your Expert(s) for the Conversion  
15 Hearing or the Conversion Hearing Forums or for Your position regarding the Conversion  
16 Application; (b) all correspondence, emails, documents or other communication to and  
17 from you and each such Expert regarding the Conversion Application or the Conversion  
18 Hearing or Conversion Forums, or the drafting or preparation of any such report surveys,  
19 memos or other papers; (c) all correspondence, emails, documents or other  
20 communications internal to the Washington State Medical Association regarding the  
21 Conversion Application or the Conversion Hearing or the Conversion Forums; (d) all  
22 correspondence, emails, documents or other communications sent by the Washington  
23 State Medical Association to its members or received by it from its members regarding the  
24 Conversion Application or the Conversion Hearing or the Conversion Forums; and (e) any

1 other documents of any other documents regarding or related to the Conversion  
2 Application or the Conversion Hearing or the Conversion Forums.

3 RESPONSE:

4  
5  
6 **REQUEST FOR PRODUCTION NO. 5:**

7 Please produce all correspondence, emails, documents or other communication to  
8 and from You and: (a) any of the Intervenors, or any of the other Intervenor Groups, or  
9 any of the attorneys for any of the Intervenors or the other Intervenor Groups, or any of  
10 the consultants or experts for any of the Intervenors or the other Intervenor Groups or their  
11 attorneys; (b) any one on the OIC Staff, or (c) any one on the State of Alaska Division of  
12 Insurance staff. The time period for this request is from January 1, 2002 to the present.

13 This request includes, but is not limited to, any correspondence, emails, documents  
14 or other communications between any officer, director, employee, attorney, agent or  
15 lobbyist of the Washington State Medical Association and any officer, director, employee,  
16 attorney, agent or lobbyist of the Washington State Hospital Association or of the  
17 Association of Washington Public Hospital Districts.

18 RESPONSE:

19  
20  
21  
22 **REQUEST FOR PRODUCTION NO. 6:**

23 As set forth in the Commissioner's Fourth Order, the Washington State Medical  
24 Association was to raise its concern "about reimbursement levels to providers from

25  
PREMERA'S AMENDED FIRST SET OF  
DOCUMENT REQUESTS TO THE WASHINGTON  
STATE MEDICAL ASSOCIATION - 7

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7022

1 Premera, which could have an effect on the adequacy of providing networks serving the  
2 insured public.”

3 Please produce all documents -- other than those produced by Premera to the OIC  
4 Staff -- in Your possession or under Your control that constitute, reflect or refer to (a) the  
5 reimbursement levels to providers from Premera or (b) “any effect on the adequacy of  
6 providing networks serving the insured public that is, or may be, attributable to those  
7 reimbursement levels” or (c) any projections regarding the reimbursement levels to  
8 providers from Premera.

9 The documents to be produced should include, but not be limited to, all those  
10 regarding the future of reimbursement levels, whether or not Premera is authorized to  
11 convert (e.g., comparisons of the future levels of reimbursement if Premera converts and  
12 if it does not convert).

13 RESPONSE:

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15  
16 **REQUEST FOR PRODUCTION NO. 7:**

17 Please produce all documents -- other than those produced by Premera to the OIC  
18 Staff -- in Your possession or under Your control that constitute, reflect or refer to any  
19 data, from January 1, 1999 to present, regarding (a) the reimbursement levels to providers  
20 from Regence Blue Shield or (b) “any effect on the adequacy of providing networks  
21 serving the insured public that is, or may be, attributable to those reimbursement levels  
22 from Regence Blue Shield” or (c) any projections regarding the reimbursement levels to  
23 providers from Premera.

24 RESPONSE:

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PREMERA'S AMENDED FIRST SET OF  
DOCUMENT REQUESTS TO THE WASHINGTON  
STATE MEDICAL ASSOCIATION - 8

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 621-7027

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3       **REQUEST FOR PRODUCTION NO. 8:**

4           Please produce all documents -- other than those produced by Premera to the OIC  
5 Staff -- in Your possession or under Your control that constitute, reflect or refer to any  
6 data, from January 1, 1999 to present, regarding (a) the reimbursement levels to providers  
7 from any other health insurer (other than Premera and Regence Blue Shield) or (b) any  
8 effect on the adequacy of providing networks serving the insured public that is, or may be,  
9 attributable to those reimbursement levels from each such other health insurer.

10       **RESPONSE:**  
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14       **REQUEST FOR PRODUCTION NO. 9:**

15           Please produce all documents -- other than those produced by Premera to the OIC  
16 Staff -- in Your possession or under Your control that constitute, reflect or refer to, from  
17 January 1, 1999 to present, any correspondence, email, memo, study, report, survey,  
18 spreadsheet, presentation, Board Minutes, Board Books, budget, pro forma, or other  
19 document, data or information prepared by or provided to any of Your members, officers,  
20 directors, employees, attorneys, agents, or lobbyists, regarding the response to, or plan  
21 regarding, or reaction to: (a) Premera's conversion from a non-profit to a for-profit  
22 company or (b) reimbursement levels if Premera converts from a non-profit to a for-profit  
23 company.

24       **RESPONSE:**  
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PREMERA'S AMENDED FIRST SET OF  
DOCUMENT REQUESTS TO THE WASHINGTON  
STATE MEDICAL ASSOCIATION - 9

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7927

1  
2 **REQUEST FOR PRODUCTION NO. 10:**

3 Please produce all documents -- other than those produced by Premera to the OIC  
4 Staff -- in Your possession or under Your control that constitute, reflect or refer to, from  
5 January 1, 1999 to present, any correspondence, email, memo, study, report, survey,  
6 spreadsheet, presentation, Board Minutes, Board Books, budget, pro forma, or other  
7 document, data or information prepared by or provided to any of Your members, officers,  
8 directors, employees, attorneys, agents, or lobbyists, regarding: (a) any claim or allegation  
9 regarding Premera having any market power<sup>1</sup> in regard to charging above-competitive  
10 premiums to its insured in (i) the State of Washington or any county therein and/or (ii)  
11 Eastern Washington (east of the Cascade Mountains) or in any county in Eastern  
12 Washington and/or (iii) Western Washington (west of the Cascade Mountains) or in any  
13 county in Western Washington; (b) any claim or allegation regarding Regence Blue Shield  
14 having any market power in regard to profitably charging above-competitive premiums to  
15 its insured in (i) Washington or any county therein and/or (ii) Eastern Washington or in  
16 any county therein an/or (iii) Western Washington or any county therein; (c) any claim or  
17 allegation regarding Premera having any market power in regard to profitably offering  
18 below-competitive reimbursements to its health care providers in (i) Washington or any  
19 county therein and/or (ii) Eastern Washington or in any county therein an/or (iii) Western  
20 Washington or any county therein; (d) any claim or allegation regarding Regence Blue  
21 Shield having any market power in regard to profitably offering below-competitive  
22 reimbursements to its health care providers in (i) Washington or any county therein and/or  
23 (ii) Eastern Washington or in any county therein an/or (iii) Western Washington or any

24 <sup>1</sup> For purpose of this Document Request, "market power" is defined as the ability to  
25 control prices and exclude competition.

1 county therein; (e) any hospital(s) in Eastern Washington or in any county in Eastern  
2 Washington having any market power in regard to profitably obtaining above-competitive  
3 reimbursements from health care insurers; or (f) any physician(s) or physician group(s) in  
4 (i) Washington or any county therein and/or (ii) Eastern Washington or in any county  
5 therein an/or (iii) Western Washington or any county therein having any market power in  
6 regard to profitably obtaining above-competitive reimbursements from health care  
7 insurers.

8 RESPONSE:  
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2 RESPONSES DATED this \_\_\_\_ day of November, 2003.

3 Coopersmith Health Law Group

4  
5 By: \_\_\_\_\_  
6 Jeffrey Coopersmith, WSBA No. \_\_\_\_\_  
7 Lead Attorneys for the Washington State Medical  
8 Association, an Intervenor Group herein

9 ATTORNEY CERTIFICATION

10 The undersigned attorney for the Washington State Medical Association  
11 (“Association”), has read the foregoing Document Requests and the Association’s  
12 Responses thereto, and hereby certifies that each of the Responses are in compliance with  
13 CR 26(g).

14 DATED this \_\_\_\_\_ day of November, 2003.

15 Coopersmith Health Law Group

16  
17 By: \_\_\_\_\_  
18 Jeffrey Coopersmith, WSBA No.  
19 \_\_\_\_\_  
20 Lead Attorneys for the Washington State Medical  
21 Association

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23  
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PREMERA'S AMENDED FIRST SET OF  
DOCUMENT REQUESTS TO THE WASHINGTON  
STATE MEDICAL ASSOCIATION - 12

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE (206) 623-7580  
FACSIMILE (206) 623-7077



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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF WASHINGTON

In the Matter of the Application  
Regarding the Conversion and  
Acquisition of Control of Premera Blue  
Cross and its Affiliates

No. G02-45

CERTIFICATE OF SERVICE

I, Dennis M Tessier, certify that I served a copy of the following document(s):

1. **PREMERA'S AMENDED FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO THE WASHINGTON STATE MEDICAL ASSOCIATION**
2. **CERTIFICATE OF SERVICE**

on all parties or their lead counsel of record on the date below as follows:

Service To:	Service Perfected By:
Carol Sureau Deputy Insurance Commissioner Office of the Insurance Commissioner 5000 Capitol Boulevard Tumwater, WA 98501  P.O. Box 40255 Olympia, WA 98504-0255  (Original & 4 plus 1 Electronic by E-Mail)	<input type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
John F. Hamje Legal Affairs Division Office of the Insurance Commissioner	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service

CERTIFICATE OF SERVICE - 1

1	Service To:	Service Perfected By:
2	5000 Capitol Boulevard Tumwater, WA 98501	<input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile
3	P.O. Box 40255 Olympia, WA 98504-0255	<input type="checkbox"/> By E-Mail
5	Melanie C. deLeon Assistant Attorney General Office of the Attorney General 1125 Washington Street S.E.	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery
6	P.O. Box 40100 Olympia, WA 98504-0100	<input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
8	Amy McCullough James Davis Alaska Legal Services Corporation 1016 West 6 <sup>th</sup> Avenue, Ste. 200 Anchorage, AK 99501	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
9	Mr. Richard E. Spoonemore Sirianni Youtz Meier & Spoonemore 1100 Millennium Tower 719 Second Av., Suite 1100 Seattle, WA 98104	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
13	Eleanor Hamburger John Midgley Columbia Legal Services 101 Yesler Way, Suite 300 Seattle, WA 98104	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
17	Michael Madden Michael S. Shachat Bennett Bigelow & Leedom, P.S. 1700 Seventh Avenue, Suite 1900 Seattle, WA 98101	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service <input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail
21	Jeff Coopersmith Coopersmith Health Law Group 1325 Fourth Avenue, Suite 1740	<input checked="" type="checkbox"/> By United States Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Legal Messenger Service

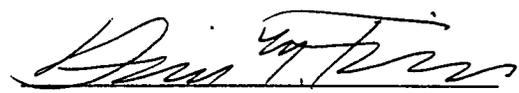
CERTIFICATE OF SERVICE - 2

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Service To:	Service Perfected By:
Seattle, WA 98101 <b>ORIGINAL &amp; COPY</b>	<input type="checkbox"/> By Hand Delivery <input checked="" type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this Tuesday, October 21, 2003.



Dennis M. Tessier